



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-101

File No. SDP-9612-H2

RESOLUTION

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, development applications for projects with certain prior approvals may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, an application was submitted by Michelle Clancy, on behalf of Patricia Robinson, for approval of a specific design plan; and

WHEREAS, in consideration of evidence presented at a public hearing on September 28, 2023, regarding Specific Design Plan SDP-9612-H2 for Bellehaven Estates, Lot 60, Block K, the Planning Board finds:

1. **Request:** The application is for a minor amendment to a specific design plan (SDP) to construct a 12-foot-deep by 20-foot-wide enclosed screened porch that is elevated 8 feet high from the grade, at the rear of an existing single-family attached dwelling, extending 12 feet into the rear yard setback and a maximum lot coverage of 70 percent.

2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior L-A-C)
Use	Residential
Lot size	1,700 sq. ft.
Gross Acreage	0.03
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Local Activity Center (L-A-C) Zone. It is an interior townhouse unit in the Bellehaven Estates development, located on the west side of Berrywood Lane, approximately 212 feet north of its

intersection with Berrywood Court. More specifically, the subject property is located at 2818 Berrywood Lane, Largo MD, 20774, within Planning Area 73 and Council District 5

4. **Surrounding Uses:** The subject property is an interior unit that fronts on an interior private street, Berrywood Lane, and is surrounded on four sides by similar single-family attached as well as single-family detached homes, in the Bellehaven Estates development. The unit backs up to a narrow strip of homeowner's association land and additional single-family attached homes. The subject property is bounded to the north, across Ardwick Ardmore Road and Yellowwood Lane, by single-family detached homes in the Enterprise Ridge Station subdivision, in the One-Family Detached Residential Zone; to the south, by an existing fire station in the L-A-C Zone; and to the west, across Saint Joseph's Drive, is Charles Herbert Flowers High School, in the Rural Residential (R-R) Zone.
5. **Previous Approvals:** The subject site, Lot 60 Block K, was developed as part of the larger development known as Bellehaven Estates (section one) development, which has been the subject of several previous approvals. On June 24, 1990, the Prince George's County District Council adopted the 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional map Amendment* for Planning Area 73, which rezoned the property from the R-R Zone to the L-A-C Zone (Basic Plan A-9775). A companion case, A-9774, rezoned approximately 32.5 acres of land from the R-R Zone to the Residential Suburban Development (R-S) Zone. On June 10, 1996, the District Council approved an amendment to Basic Plans A-9774 and A-9775, in order to relocate a day care center to downsize a commercial component, to relocate the land area for each case, and to readjust the ratio of dwelling units on the two parcels. CDP-9601 was approved (PGCPB Resolution No. 96-375), with conditions, on December 12, 1996. The 33-acre property was subdivided into separate lots and parcels to accommodate a mix of residential, commercial, and public uses, including a fire station, by Preliminary Plan of Subdivision (PPS) 4-96066. On April 30, 2015, the District Council approved an amendment to A-9775-01-C (Zoning Ordinance No. 6-2015), with conditions, to allow townhouse units to replace commercial development on Parcel H. CDP-9601-01 (PGCPB Resolution No. 15-99) was approved by the Prince George's County Planning Board on September 24, 2015, subject to six conditions. PPS 4-15010 (PGCPB Resolution No. 15-100) was also approved on September 24, 2015, for 65 lots and 10 parcels, including a Variance from Section 24-128(b)(7)(A), subject to 16 conditions. The subject site also has an approved Stormwater Management (SWM) Plan 6244-2008-02, which was valid through October 28, 2016.

SDP-9612 (PGCPB Resolution No. 97-107) was approved in 1997 for the construction of residential units and a 16,000-square-foot firehouse. Six amendments to this SDP were subsequently approved: SDP-9612-02, (PGCPB Resolution No. 08-40), was approved in 2008, with five conditions, for the construction of a 15,948-square-foot fire station; SDP-9612-03, for Parcel H, was approved in 2009 (PGCPB Resolution No. 08-159), for the construction of a commercial shopping center on five acres, including a pharmacy and a daycare center, which was never constructed; SDP-9612-04 approved an amendment to include a 2,000 square-foot special events building, an Amish shed, and minor revisions to parking; SDP-9612-05, (PGCPB Resolution No. 16-47), was approved in 2016 for the construction of 65 townhomes; SDP-9612-B was withdrawn; SDP-9612-H1, (PGCPB Resolution No. 07-39), a homeowner's minor

amendment, was approved for the addition of a 12-foot by 20-foot, two-story addition and second floor deck, located at the rear of the existing property. The subject application approves a homeowner's minor amendment for the addition of a 12-foot-deep by 20-foot-wide screened porch, a 10-foot reduction of the building restriction line, and a 20 percent increase of the minimum lot coverage allowed.

6. **Design Features:** The subject application approves development of a 12-foot-deep by 20-foot-wide elevated screened porch at the rear of an existing single-family attached home, which is an interior townhouse unit. The existing unit is a three-story townhouse built on slab and located approximately 22 feet from the rear property line. The approved addition will be elevated 8 feet above grade level surface, extend across the entire width of the main level of the three-story unit, and will not be visible from the private street on which the property fronts. The materials and roofing of the approved screened porch will match and complement the architecture of the existing home and will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams. The approved porch extends into the 20-foot rear yard setback by 10 feet and will be 10 feet from the rear property line. The porch conforms to all side yard setbacks.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the L-A-C Zone of the prior Zoning Ordinance, as follows:
 - a. The project conforms with the requirements for purposes, uses, and regulations in Sections 27-494, 27-495, and 27-496 of the prior Zoning Ordinance, by providing dwellings integrated with activity centers in a manner that retains the amenities of a residential environment and provides convenience of proximity to an activity center.
 - b. Per Section 27-515 of the prior Zoning Ordinance, regarding uses permitted in the L-A-C Zone, a single-family attached dwelling is a permitted use in the zone.
 - c. The project also conforms to the requirements of Section 27-528 of the prior Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the prior Zoning Ordinance, regarding amendments to approved SDP applications.
8. **Zoning Map Amendment (Basic Plan) A-9775:** The project is in compliance with the requirements of Basic Plan A-9775, as the approved screened porch addition in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of SDP-9612.
9. **Comprehensive Design Plan CDP-9601:** The project complies with the requirements of CDP-9601, except regarding the rear yard setback. The CDP stipulates that the minimum rear yard setback for single-family attached houses is 20 feet. The approved elevated screened porch would be approximately 10 feet from the rear property line, encroaching 10 feet into the rear setback.

The CDP established development standards for the entire Bellehaven subdivision for single-family attached units. The following lot and architectural standards shall apply to the single-family attached development:

Single-Family Attached Lot Standards

Minimum Lot Size	1,700 square feet
Maximum Lot Coverage	50%
Minimum Building Separation	26 feet
Maximum Height	3 stories
Maximum Lot Width	20 feet
Minimum Front Yard	20 feet
Minimum Side Yard	0 feet
Minimum Rear Yard	20 feet

10. **Specific Design Plan SDP-9612:** SDP-9612 was approved by the Planning Board on January 8, 2009 (PGCPB Resolution No. 08-177), with 26 conditions, one of which is applicable to the review of the subject SDP. The subject application is in compliance with the requirements of SDP-9612, except for the rear yard setback and maximum lot coverage allowed. The approved elevated screened porch encroaches into the required 20-foot rear yard setback by 10 feet. The SDP set forth the following condition of approval:

Condition 26. No deck shall be constructed on the single-family attached units which extends more than 15 feet from rear wall of the unit. Decks are not subject to the 20-foot building restriction line; however, an addition to the main structure is.

11. **2010 Prince George's County Landscape Manual:** The addition of an elevated screened porch is exempt from the requirements of the *Prince George's County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-9612 approval.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
13. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The approved elevated screened porch will not alter the previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP and SDP.

14. Section 27-528 requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed in **BOLD** text below, followed by comments in plain text.

Section 27-528. Planning Board action.

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The subject amendment conforms to the requirements of CDP-9601, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 11. While the subject site is located in the prior LAC Zone, it does not involve townhouse construction, but an addition to an existing townhouse unit. The second portion of this required finding does not apply to the subject application.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

This finding was made with the approval of the original SDP and will not be affected by the approved screened porch addition.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The site is consistent with the approved SWM concept plan, and this minor addition will not impact that approval. Therefore, adequate provision has been made for draining surface water, so that there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

The addition of an elevated screen porch to an existing single-family attached dwelling, with setback and lot coverage modification, does not impact the previously approved Type 2 tree conservation plan.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

No regulated environmental features exist on the subject lot. Therefore, this finding is not applicable to the subject SDP.

15. Section 27-530(c)(3) of the prior Zoning Ordinance sets forth the criteria for granting minor amendments to approved SDPs, for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures, including meeting the following criteria:

Section 27-530(c). Amendments.

(3) Criteria for granting minor amendments. A minor amendment may only be granted if the requested modifications:

(A) Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;

SDP-9612 established the rear yard setback at a minimum of 20 feet and a maximum lot coverage of 50 percent. The approved elevated screened porch addition extends into this rear yard setback by 10 feet, permitting a setback of approximately 10 feet from the rear property line with an approved lot coverage of 70 percent, due to the depth of the addition. The subject application does not meet Criterion (A) and, therefore, the subject homeowner's minor amendment to SDP-9612-H2 was heard by the Planning Board, as stated in Section 27-530(d)(3)(A).

(B) Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

Regarding Criterion (B) above, the approved elevated deck addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback and maximum lot coverage allowed. The approved screened porch will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, with a screened enclosure. The

approved screened porch and roof of the enclosure will be in keeping with the existing architectural and site design characteristics of the SDP, in materials and design.

(C) Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.

Regarding Criterion (C), the Planning Boards finds that the addition will not substantially impair the intent, purpose, or integrity of the approved CDP. Modification of the minimum rear yard for the approved elevated screened deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. The addition is at the rear of the home, limiting visibility from the nearest public right-of-way. The approved addition also faces a wooded area, separating the existing home and the adjacent community, affording privacy to the occupants of both the subject property and homeowners of the neighboring community. The applicant has produced documentation of approval of the plans for construction of the addition from the community's homeowners.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Specific Design Plan SDP-9612-H2 for the above-described land.

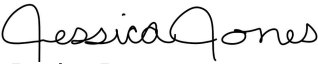
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, September, 28, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:AB:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 9/21/23